

## KEWALO PEOPLE

## Will Be Interested in This Decision.

Important Rulings of Judge Perry on Property and Water Rights on Marshy Lands.

In the equity suit of Victoria Ward vs. Chas. S. Desky and E. Peck & Co., limited, a corporation, a bill for injunction, Judge Perry has rendered his decision. Complainant and each of the respondents severally own in fee certain tracts of land which adjoin each other and all of which are situated in Kewalo, Oahu. Complainant also owns in fee another tract of land situate at Kukuluae. On the boundary between the premises of the respondent corporation and the adjoining premises of complainant stands a bank of earth, originally built more than twenty years prior to the commencement of these proceedings. The land on which this bank was built, and that immediately adjoining it on either side, was low and marshy; the bank was made for the purpose of preventing an overflow of water in rainy weather from the land which has since been acquired by the respondents to the lands of the complainant and also of supporting the boundary fence erected thereon. Shortly after Peck & Co. acquired the property they caused an artificial well to be bored thereon. When water was struck, those in immediate charge of the work made a cut across the bank referred to so as to permit the water from the artesian well to flow over on to the complainant's land and at the same time relieve their own land from the burden. Complainant objected to the making of the cut, and had it filled in more than once, but each time it was again opened by the well-borers. Complainant then brought suit, praying that the re-opening or maintenance of the cut be restrained by injunction and also for relief on other matters. Upon the completion of the well, it was capped, and since that time no attempt has been made by the respondents or either of them to re-open said cut or make any new cut across the bank. Judge Perry says that respondent Desky's efforts, on the contrary, have been in the direction of maintaining the bank intact so as to prevent any overflow from complainant's land westward over said bank in times of freshets. He is convinced that neither of the respondents has any desire or intention to make or maintain any cut over the bank. No ground existing for enjoining now the making or maintenance of such a cut, the prayer for injunction is denied, with leave, however, to the complainant to move for the same hereafter upon showing good cause therefor.

With regard to the right of respondents to excavate up to the very line of the boundary bank Judge Perry says that beyond any doubt the law is that complainant's soil is entitled to the lateral support afforded it by respondents' adjacent land in its natural state and that equity will enjoin any destruction of such lateral support. This is a right which exists by natural law, independently of grant or prescription. A decree against the respondent corporation for relief from the destruction of lateral support will therefore be signed on presentation.

Coming to the third question involved, the full and free enjoyment of an easement in a certain ditch that has existed on her property for some forty years, the Court is of the opinion that the same has been curtailed and interfered with by the construction of a new ditch by respondents by which means polluted waters flow into the main ditch. For this grievance only one practical remedy presents itself and that is to order the new ditch closed to such an extent as may be necessary to prevent the passage of its waters into the main ditch, or old fish-way.

Concluding, Judge Perry says considerable evidence has been adduced on the subject of the levels of the land in that district and the course or direction of the drainage over the surface of the land in times of freshets or heavy rains. This question, it seems to the Court, does not arise properly in this case, nor does the question of whether or not Peck & Co. are entitled to have the waters of the springs, if such there are on their land, flow on to complainant's land over the surface in case such an overflow results from the closing of the new ditch.

A decree will be signed in accordance with the foregoing views.

## ASSUMES ALL BLAME.

NEW YORK, July 19.—The report of Captain Watkins of the stranding of the American steamship Paris was made public today by the local Board of Steamboat Inspectors. Captain Wat-

kins makes no attempt to evade responsibility for the accident, but on the contrary says frankly that the stranding of the ship was the result of an unaccountable error on his part. The accident, he says, was not due to any want of thought or anxiety about his vessel, but resulted from a mistake he made in calculating the position of the ship.

The local inspectors have suspended Captain Watkins' license as master of ocean steamers for two years. Captain Watkins is still in charge of the Paris and is acting in the interests of the underwriters to whom the ship was turned over by the American Line officials.

## A Noted Surgeon.

Dr. Nicholas Senn, a noted Chicago physician, is visiting this city. He is being looked after by Dr. Wood, who formerly studied under him.

## THE BEACH HOTEL

## Manager Clough Arrived on the Mariposa.

New Company Organized With Capital of One Hundred Thousand Dollars—List of Officers.

Among the passengers who arrived yesterday by the Mariposa was Jas. Clough of San Francisco. Mr. Clough comes to take the active management of the proposed Waikiki hotel. He comes with a sterling record, having for the past eighteen years been connected with the best known hotels on the Pacific coast. The greater part of that time he spent as manager of Del Monte, the superb, famed the world over. He has also been connected in recent years with the Palace and Baldwin hotels of San Francisco.

"I think that the Beach Hotel should prove a great success," said Mr. Clough. "Travel to Honolulu is nothing new compared to what it will be in the future, and yet the accommodations are taxed. I have been out to your beautiful Waikiki and think that no more suitable place for a complete, up-to-date hotel could be found."

Everything is now ready for active work on the project. The plans will be out of Architect Traphagen's hands in a few days. They will be substantially the same as were described in the Advertiser when the new enterprise was first started. The articles of incorporation will be filed shortly, with a capitalization of \$100,000, all of which is subscribed. The officers will be: W. C. Peacock, president; J. H. Soper, vice-president; J. G. Rothwell, secretary and treasurer; T. E. Lansing, auditor.

Mr. Rothwell, upon whom most of the preliminary work has devolved, asserts that before many days the doors of an all-around first-class beach hotel will be thrown open to the people of Honolulu.

## HONOLULU LIBRARY.

## Valuable Portraits Purchased for It by Private Subscription.

The portraits of Lincoln, Grant, McKinley and Dole, painted by Mr. Cogswell, will soon be removed from the Pacific Hardware Store to the Honolulu Library. The portrait of Mr. Lincoln is a duplicate of the one which now hangs in the White House at Washington, and was painted by Mr. Cogswell at the request of Congress, and it was painted from life. The portrait of General Grant was also painted from life.

These pictures were purchased by subscription, and the names of the subscribers will be hereafter published. They were made on condition that the portraits would be placed in the Honolulu Library.

## Instant Death.

(From Wednesday's Daily.)

After suffering untold agony and horrible mutilation David Puso, an employee of the California Feed Co., met his death yesterday morning. It was the old story, of which a number of instances have happened in Honolulu, of getting entangled in a belt and being whirled to death around a fly wheel.

Deputy Marshal Chillingworth immediately summoned a coroner's jury which found, "that the said David K. Puso came to his death from injuries received, being the result of an accident at the California Feed Company's warehouse, said accident being due to the carelessness and inexperience of the deceased."

"I have used Chamberlain's Cough Remedy in my family for years and always with good results," says Mr. W. B. Cooper of El Rio, Cal. "For small children we find it especially effective." For sale by Benson, Smith & Co., Ltd., wholesale agents for H. I., and all druggists and dealers.

## TOWNSEND TALKS

## To National Educational Association.

Thoughtfully Concealed Address Upon the Subject of the Educational Problem in Hawaii.

LOS ANGELES, July 11.—Promptly at 3 o'clock the National Educational Association was called to order in the Pavilion by Hon. F. Q. Story, of the local executive committee. The pavilion was crowded in every part and numbers of the visitors failed to gain admittance.

After an invocation by Rev. C. Clark Pierce, the Woman's Orchestra rendered the "National Educational Association March," a rather unique piece of music, composed for the occasion, and then Governor Henry T. Gage was presented to bid hearty welcome on behalf of the state to the assembled teachers.

Mayor Fred Eaton, in behalf of Los Angeles, welcomed the delegates to the city. He is a frank speaker, with a sincerity in tone and manner that carries conviction, and was heartily applauded.

At the evening session Dr. W. T. Harris, United States Commissioner of Education, delivered a most appropriate and decidedly interesting address on the subject of "An Educational Policy for Our New Possessions."

Mrs. Emma L. Dillingham was to have dealt with the Hawaiian school question to some extent by giving an address reviewing the history of the existing schools in the islands. Owing to her unavoidable absence this phase of the subject had to be foregone, but Henry S. Townsend, inspector general of schools of Hawaii, made a thoughtfully conceived address upon the subject of "The Educational Problem in Hawaii." He said that minds in general develop in accordance with certain fixed and ascertainable laws, yet the first principles of the science imply that no two men think, or feel, or will, or develop alike, since no two have the same temper and environment. In like manner, he continued, it follows that different races and peoples develop differently and hence have their own educational problems, which are but modifications of the world's great educational problem.

Mr. Townsend said in conclusion:

"The environment and the temper of the children of Hawaii are especially diversified, although this environment of things is comparatively homogeneous. This is due largely to the diversity of races, with all that that implies. The ends of the earth meet at Hawaii, and no one race is predominant in numbers. Present indications are that the generation next to be born in Hawaii will consist of white persons and Hawaiians in almost equal numbers, and of still larger numbers of Asiatics. These latter will not be assimilated with the other elements of our future population so as to form one people, though it is possible that the whites and the Hawaiians will unite, in spite of radical racial differences. One problem involves at least two races of men in nearly equal numbers living side by side within our narrow boundaries without uniting. Polynesians and Asiatics cannot be made to think and feel as Anglo-Saxons by the simple process of teaching them the English language, or by any other process which does not involve evolution through nations. Yet, in the meantime, we must live together. What, then, is this great race problem in Hawaii? It is this: To develop a truly Christian civilization, a civilization which, like the love of Christ, is broad enough to embrace all peoples—so broad that all the races may find prosperity under its benign sway. Our Hawaiian civilization should be based upon broad charity and universal good will.

"The civilization which the active race has developed and in which it has been trained, based upon an assumption of universal selfishness, has precipitated a struggle in which the passive race is at a great disadvantage. It is a melancholy fact that the influence of the white man and his civilization in contact with the aboriginal races is generally the influence of the fable of the upas tree. From the time of the ancient Hebrews, who shut from the blessings of their civilization practically all other peoples, down to the time of the Americans, who have not yet developed a civilization sufficiently broad and sufficiently Christian to bless the white man and the red, comes the same monotonous story. Here the native Hawaiians were born and here they will die. They call for more than toleration. Who are we that we should tolerate this remnant of the people to whom God gave those fair isles fresh from his creative hand and who for nearly fifty generations have known no other home? They are now Americans in spite of themselves, and for these reasons their silent appeal to their neighbors of the active race is especially strong."

## NEIGHBOR WOLFE AND OTHERS.

Almost every afternoon in pleasant weather I see my neighbor Wolfe sitting in an easy chair in the shade in front of his own door. Sometimes he kills time by reading the paper, but oftener he does nothing but watch the people and the vehicles that pass. I frequently stop and talk with him a few minutes, and he appears to be grateful for the trifling attention. He is a man of about fifty, strongly and sturdily built, and to look at him you see no reason why he should not be up and about as actively as the best of us. He is intelligent and well-informed, has traveled considerably, and is a man in every way worth knowing. His ideas on finance and business seem

to be clear and practical, and it strikes a stranger as odd he does not grapple with his opportunities and pile up a big fortune. Yet he never makes a motion in that direction. He lets the chances all slip by, and just sits there as though the world were no more to him than the Kiondike gold fields are to the resident population of a cemetery. Yet my neighbor Wolfe knows what money is, and appreciates what can be done with it. Then why doesn't he "get a move on," as the Yankees say, and make hay while the sun shines? Take a peep at him about 9 o'clock at night, when he takes his customary exercise on the pavement—the way being mostly clear of pedestrians by then—and you will need no verbal answer to the question. Stocky and strong as he appears when in his chair, he makes a poor show on his legs. Slowly, heavily, leaning hard on his thick stick, he goes to and fro a few times between the corner and his house—a distance of 200 feet may be— and then with a sigh sinks again into his chair like a man who realizes he is out of the race. A paralytic stroke two years ago, and the constant fear of another—that explains it. He is one of the multitude who are in the world and not of it—as this woman was a while since:

"From my girlhood," she says, "I was always oppressed and hindered by weakness, I was habitually tired, weary, and languid. Like all such persons I lived a kind of life to myself. All pleasures or pursuits which called for energy and vitality were closed to me. I had a feeble and flimsy appetite, and what I ate gave me great pain at the chest and back, and a sense of coldness, deadness, and weight at the stomach. At times, there would be also a gnawing, sinking feeling."

"As I grew older I was much troubled with palpitation of the heart and loss of sleep. Year after year I dragged along in this miserable way, and, being too weak to walk, was drawn from place to place in a bath chair. Every effort was made to obtain a cure. I consulted doctor after doctor and took many kinds of medicine and treatment, but got no more than temporary relief. One doctor said my heart was diseased."

"My sister urged me to try Mother Seigel's Syrup. Without any great hopes of its effect in my case, I nevertheless procured a bottle from the stores in High street and began to take it as directed. The result was a decidedly improved appetite, and I relaxed and digested what I ate without any pain or distress following. As I continued to use this medicine the heart trouble was less frequent and finally ceased altogether. My nerves soon became stronger and I could sleep well. In a few weeks more I was better and stronger than ever before in my life, and have enjoyed good health ever since. My friends were almost as much surprised and pleased as I was at this remarkable result of taking Mother Seigel's Syrup, and you may make my statement public if you think it will do good."—(Signed) (Mrs.) Mary Ann Welch, 1, Constitution Hill, Luton, Chatham, February 6th, 1895.

My neighbor Wolfe may or may not recover from his paralysis, but all cases like Mrs. Welch's—indigestion, with consequent weakness and nervous debility—should be curable by the remedy which cured her. It opens and renews the digestion, which is the fountain of life, and puts a wholly new aspect on the world around us. From having been laid aside as cumbersome of the ground, we become once more workers with others and sharers of their pleasures.

## CLAUS SPRECKELS.

## Has Bought Some Mud and Gone Into a New Business.

"How's your electrical plant getting along?" was asked yesterday of one of the engineers engaged in establishing the works with which Claus Spreckels is going to get even on Joseph Crockett for telling him to go to the devil.

"The works are all right, but Mr. Spreckels has had to branch out into a new business again. He is going to set up a terra cotta plant across the bay."

"What is that for?"

"Oh, when Gladding, McBean & Co. and the other terra cotta men found that Mr. Spreckels would require some miles of terra cotta conduits for his electric wires they put the price up on him. He didn't like that and said so; but they were tippy and thought they had him. He figured on getting the stuff from the East, but that wouldn't do. So he said to those terra cotta fellows:

"Very well; keep your terra cotta. You can make it; so can I. I'll buy some mud and go into the business myself. And that's just what he has arranged to do."—San Francisco Examiner.

## The Philadelphia.

VALLEJO, July 8.—Work on the flagship Philadelphia at Mare Island has been practically suspended and workmen are now replacing parts which were torn out to prepare for the installation of the new electric ammunition hoists. The cause of this sudden change of plan is not known, the orders from Washington having simply had the effect noted. There were several rumors on the yard concerning the matter, though they could not be authenticated. One was to the effect that the Philadelphia was to be put out of commission, but this is believed to be erroneous. Another rumor stated the cause to be a conflict of authority between the construction and equipment bureaus in Washington. This probably grows out of the fact that the electrical plant in war vessels has been under the control of the equipment bureau, and the construction bureau has had charge of other matters, including the magazines and ammunition hoists. The difference is trivial, and will not cause much delay, if, in fact, it makes any trouble whatever.

## A BICYCLE TOUR

## Contemplated by a Well Known Attorney.

J. O. Wood Will First Take a Law Course at Harvard and Then Go to England.

The many friends of Attorney J. O. Wood will be sorry to hear that he contemplates leaving the islands for at least two years. He will take the next Australia to the Coast unless something should happen to change his plans in the meantime.

"Yes, I shall be away at least two years," he said yesterday afternoon. "I shall sail three weeks from today, and after spending a few days in San Francisco shall go direct to Boston. My intention is to remain there about a year, spending that time in taking a law course at Harvard University. After that I am going to England for another year or longer even. My mind has long been made up to see England thoroughly and I shall do it on my wheel. My intention is to visit all the points of interest in that most interesting of all countries to my mind. I shall ride from place to place as the spirit moves me, and stay wherever I feel like it and just as long as there is anything of interest to see. I expect to take fully a year in doing that and I may be much longer. When my visit to England is over my intention is to return to the islands to remain permanently, for after all there is no place more suitable to live in than Hawaii. I have not fully decided what I shall do on my return, but most probably resume the practice of my profession."

If all reports are true Mr. Wood has realized a nice little competency out of a few lucky investments in sugar stocks, and is well able to gratify his ambition both in the further accumulation of legal lore and the delights of a life of travel.

Hives are a terrible torment to the little folks, and to some older ones. Doane's Ointment never fails. Instant relief and permanent cure. At any chemist's, 50 cents.

A Burlington special crashed into a freight train at Newman Station, California, and two sleeping women were crushed to death.

## Down Again

In prices is the market for flour and feed, and we follow it closely.

Send us your orders and they will be filled at the lowest market price.

The matter of 5 or 10 cents upon a hundred pounds of feed should not concern you as much as the quality, as poor feed is dear at any price.

## We Carry Only the Best.

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Everyone enjoys it; your health depends upon it. You can just as well have it as your prudent neighbor. Old and young alike endorse it.

## DISINFECTINE

With the heat of summer comes the foul and disease producing air from the cesspool, vault and cellar. You must be on your guard against the accumulation of trash, garbage, etc.; it is dangerous to have around.

## INSURES

No skill is required to have the air about your home pure. The cost is trifling and effect is wonderful. Disinfectine as prepared by us will serve the purpose.

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We have it prepared in quantities to supply any or all demands. We will deliver to your home, if within the city limits, a trial bottle at 25 cents. Don't neglect to order a bottle at once.

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Those who are familiar with the article order it by the gallon, which proves beyond all doubt that it is the proper thing.

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WILL CURE YOUR COUGH.

ALL THE WORLD OVER, THE FAMOUS NINE-STAR REMEDY. Its reputation throughout the world indicates its inestimable value.

UNSOLICITED TESTIMONIALS. The Dean of Westminster's Verger writes—"I was advised to try the Balsam of Aniseed. I did, and have found very great relief. It is most comforting, allaying irritation and giving strength to the voice."

JOSEPH BRACON, Esq., the eminent actor writes—"I think it an invaluable medicine for members of the profession, and have always recommended it to my brother and sister artists."

Mr. Thomas Henson, Chemist, Llandilo, October 1st, 1898, writes—"I have commenced using your Balsam of Aniseed, and I find it most useful in giving me power to cough and speak clearly. I have used it for some time and it is a real boon."

LOOSENS THE PHLEGM IMMEDIATELY. NIGHT COUGH QUICKLY RELIEVED. SEE TRADE MARK AS ABOVE ON EACH WRAPPEE.

See the words "Thomas Forst, Blackfriars Road, London," on the Government Stamp.

Beware Imitations. Established 1824. QUARTERS AND FARMERS WHEN ORDERING THEIR STORES SHOULD NOT FORGET THIS TIME-HONORED COUGH REMEDY.

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FOR ASTHMA, INFLUENZA, &c.

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